

REMARKS

This application pertains to a novel adhesive tape, having a plasticized polyvinyl chloride backing and an adhesive composed of an aqueous dispersion of styrene-acrylate copolymers.

Claims 1 and 3 -13 are pending; claim 2 being canceled by this amendment. The limitations of claim 2 have been added to claim 1.

Claims 12 and 13 stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The Examiner contends that these claims do not recite any method steps. Claim 12 recites the alternative steps of bundling, protecting, labeling, insulating or sealing, and claim 13 recites the step of sheathing. Therefore both of said claims do, in fact, recite method steps and the rejection of said claims under 35 USC 112, second paragraph should now be withdrawn.

Claims 1, 4 and 10 stand rejected under 35 USC 102(b) as being anticipated by Skoglund et al. (US 5,716,701). Claim 2 is not included in this rejection and claim 1, as amended, is now an independent form of claim 2. The amendment is therefore believed to obviate the rejection, and this rejection should now be withdrawn.

Claim 2 (now claim 1) stands rejected under 35 USC 103(a) as being unpatentable over Skoglund et al. (US 5,716,701) or in the alternative in view of

Applicants' so-called admitted prior art. The Examiner acknowledges that Skoglund's styrene fraction is far below Applicants', but contends that it would be obvious to increase Skoglund's styrene content to Applicants' range because he views the styrene content as being a "result effective variable". Alternatively, the Examiner relies on Applicants' disclosure that aqueous systems based on styrene-acrylate copolymers, having styrene fractions between 30% and 60%, are known as.

There are several points that the Examiner overlooks, however. First of all, the Examiner has not pointed to anything that would teach or suggest that the styrene content is a "results effective variable". Specifically, the Examiner has not pointed to anything that would teach or suggest what "results" would be affected by varying the styrene content, and how that would relate to the adhesives art.

Of greater importance, however, is that Applicants' discussion of the "known" aqueous systems based on styrene-acrylate copolymers shows that such "known" systems, with styrene fractions between 30% and 60% **display no self-adhesive properties at all** (page 5, lines 14-16).

Therefore, any person skilled in the art reading Skoglund and being aware of the "known" aqueous systems based on styrene-acrylate copolymers would conclude that such systems having 30-60% styrene were non-adhesive, whereas Skoglund, with 4.34% calculated by the Examiner, shows some adhesive properties. Accordingly, anyone who thought that styrene might be a "result effective variable" would think that increasing styrene meant decreasing adhesiveness. Such persons would never venture

into the styrene content recited by Applicants' claims if they wanted to make an adhesive.

Moreover, the Examiner has not shown anything that would teach or suggest that the migration of plasticizer into the styrene-acrylate copolymer dispersion would enhance adhesiveness. All of the prior art would suggest that such migration was undesirable and harmful.

In view of the prior art, it is totally surprising that an aqueous dispersion of styrene-acrylic acid derivative copolymers having a styrene fraction of from 10% to 70% by weight, as recited in Applicants' claims would, when comprising plasticizers migrated into it from the PVC backing, be an effective adhesive.

The rejection of claim 2 (now claim 1) under 35 USC 103(a) as being unpatentable over Skoglund et al. (US 5,716,701) or, in the alternative in view of Applicants' so-called admitted prior art, should therefore now be withdrawn.

Claims 3 and 5-9 stand rejected under 35 USC 103(a) as being unpatentable over Skoglund et al. (US 5,716,701) in view of Schwarcz (US 4,002,794). The Examiner relies on Schwarcz for a particular application weight range, elastomeric materials, primer coating etc. None of these, even if taught or suggested by Schwarcz, could possibly overcome the differences pointed out above. The rejection of claims 3 and 5-9 under 35 USC 103(a) as being unpatentable over Skoglund et al. (US 5,716,701) in view of Schwarcz (US 4,002,794) should accordingly now be withdrawn.

Claim 11 stands rejected under 35 USC 103(a) as being unpatentable over Skoglund et al. (US 5,716,701) in view of Glennon (US 4,311,759). The Examiner turns to Glennon for anti-foams and anti-oxidants (which the Examiner somehow "equates" to ageing inhibitors). None of these could possibly overcome the differences shown above, however, and the rejection of Claim 11 under 35 USC 103(a) as being unpatentable over Skoglund et al. (US 5,716,701) in view of Glennon (US 4,311,759) should be withdrawn.

Finally, claims 12 and 13 stand rejected under 35 USC 103(a) as being unpatentable over Skoglund et al. (US 5,716,701), because the Examiner views Skoglund's adhesive tape as capable of performing the same functions as recited in Applicants' claims. However, Applicants' claims 12 and 13 recite the adhesive tape of claim 1, which is neither suggested nor taught by Skoglund, as discussed above. The rejection of claims 12 and 13 under 35 USC 103(a) as being unpatentable over Skoglund et al. (US 5,716,701) should therefore now be withdrawn.

In view of the accompanying amendments and remarks, it is believed that claims 1 and 3 -13 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME


If any extension of time for this response is required, Applicants request that this

be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

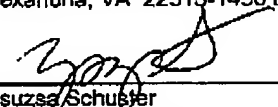
Please charge any insufficiency of fee or credit any excess to Deposit Account No. 14-1263.

Respectfully submitted,
NORRIS, McLAUGHLIN & MARCUS, P.A.

By 
William C. Gerstenzang
Reg. No. 27,552

WCG/zs
875 Third Avenue, 18th Floor
New York, NY 10022
(212) 808-0700
Fax: (212)-808-0844

I hereby certify that this correspondence is being transmitted via facsimile, no 571-273-8300 to the United States Patent and Trademark Office, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date below.

By 
Zsuzsa Schuster
Date December 7, 2005